

PROB 12C
(7/93)

Report Date: March 21, 2013

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**MAR 25 2013**SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Nicholas Scott Ferryman Case Number: 2:06CR02155-001
 Address of Offender: Richland, WA 99352
 Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge
 Date of Original Sentence: 5/8/2007
 Original Offense: Unlawful Possession of Firearm, 18 U.S.C. § 922
 Original Sentence: Prison - 37 Months Type of Supervision: Supervised Release
 TSR - 38 Months
 Asst. U.S. Attorney: Alexander Carl Ekstrom Date Supervision Commenced: 11/23/2011
 Defense Attorney: Diane E. Hehir Date Supervision Expires: 5/22/2014

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 4/10/2011, 5/14/2012 and 5/14/2012.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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7

Mandatory Condition # 4: The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

Supporting Evidence: Nicholas Ferryman is considered in violation of his period of supervised release by using controlled substances, methamphetamine and heroin, on or prior to February 20, 2013.

On February 20, 2013, the defendant reported to the probation office as directed after missing a random urinalysis test. A sample was provided which returned presumptive positive for opiates and amphetamine. The defendant stated he had been using some prescribed medication. The sample was sent to the laboratory for additional testing. On March 2, 2013, the sample was confirmed positive for methamphetamine and heroin.

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On March 5, 2013, contact was made at the defendant's residence as he had missed another random urinalysis testing. The defendant asked to speak with this officer outside of the residence as there were other family members in the home. He immediately admitted to using methamphetamine and heroin as he anticipated this officer had received the February 20, 2013, results. The defendant was directed to report to the probation office to further discuss the matter.

- 8 **Mandatory Condition # 4:** The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

Supporting Evidence: Nicholas Ferryman is considered in violation of his period of supervised release by using a controlled substance, methamphetamine, on or prior to March 6, 2013.

As noted within violation number 7, the defendant admitted he had used methamphetamine and heroin on or prior to February 20, 2013, when this officer met with him at his home on March 5, 2013. The defendant was directed to report to the probation office on March 6, 2013, to further discuss the matter. A urinalysis sample was obtained during this visit and the defendant admitted to additional use. The sample was sent to the laboratory in for confirmation. On March 19, 2013, the sample was confirmed positive for methamphetamine.

- 9 **Special Condition # 14:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Nicholas Ferryman is considered in violation of his period of supervised release by failing to report for random urinalysis testing on February 19, 28, and March 4, 2013.

On February 19, 2013, the defendant arrived after the treatment provider was closed for urinalysis testing. A sample was not obtained.

On February 28 and March 4, 2013, the defendant failed to report all together. When I spoke with the defendant about the missed tests he admitted to skipping the test on March 4, 2013, as he knew it would be positive.

- 10 **Standard Condition # 7:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

Supporting Evidence: Nicholas Ferryman is considered in violation of his period of supervised release by possessing drug paraphernalia on March 12, 2013.

A search of the defendant, his vehicle, and residence was conducted by U.S. Probation and other law enforcement agencies on March 12, 2013, due to the defendant's continued use

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of controlled substances and risk to the community. During the search two light bulbs, which had been modified to smoke controlled substances, were located in a garbage can in the garage. There was also a small plastic bag with residue and a white substance located on the bottom the garbage bag in the garbage can. All of the items were seized by the Richland Police Department for further investigation. The defendant admitted he had used the light bulbs to smoke methamphetamine on one occasion. The case has been referred to the persecuting attorney in Benton County under case number PC1340182.

I declare under penalty of perjury that the foregoing is true and correct.

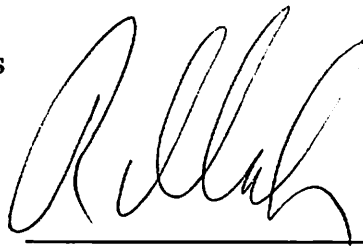
Executed on: 03/21/2013

s/David L. McCary

David L. McCary
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Other



Signature of Judicial Officer

3/25/2013

Date